

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MICHAEL PAUL MCKEEHAN,

Petitioner,

v.

MARTY ALLEN, *et al.*,

Respondents.

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Case No. 1:09-CV-117 (WLS)

ORDER

Before the Court is the Report and Recommendation (Doc. 46) from United States Magistrate Judge Thomas Q. Langstaff filed November 23, 2010. Pursuant to 28 U.S.C. § 1915A, Judge Langstaff conducted a review of Petitioner's claims arising out of alleged violations of 42 U.S.C. § 1983 and the pending Motion for Summary Judgment.

Judge Langstaff recommends that Petitioner's Complaint be DISMISSED-without-prejudice. (Doc. 46). Judge Langstaff's Recommendation for dismissal is based on Petitioner's failure to diligently prosecute this action. (*Id.* at 2). Petitioner has filed no objections to date. (*See generally* Docket).

Upon full review and consideration upon the record, the Court finds that Petitioner has failed to prosecute his case and has failed to comply with the Court's Orders. *See* Fed. R. Civ. P. 41(b). Accordingly, Judge Langstaff's Report and Recommendation (Doc. 46) should be, and hereby is, **ACCEPTED, ADOPTED**, and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Petitioner's Complaint (Doc. 1) is **DISMISSED-without-prejudice**. Respondents' Motion for Summary Judgment (Doc. 34) is

DENIED-as-moot. The Court finds that lesser sanctions would not suffice. *See* Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985).

SO ORDERED, this 23rd day of September, 2011.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**